



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,137	12/12/2001	Brian T. Boyd	5889.12	2789

20686 7590 02/26/2003

DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

[REDACTED] EXAMINER

HOEY, BETSEY MORRISON

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1724

DATE MAILED: 02/26/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/022,137	BOYD ET AL. <i>AJ</i>
	Examiner HOEY, BETSEY	Art Unit 1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 February 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-21 is/are allowed.
- 6) Claim(s) 1,2 and 5-8 is/are rejected.
- 7) Claim(s) 3,4,9 and 10 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1724

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "said diversion", but there is insufficient antecedent basis for this limitation in the claim. Claim 8 is rejected because it depends on rejected claim 7.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Contreras, U.S. Patent No. 5,824,243. Contreras teaches a water ozonating system comprising a water storage tank or reservoir, a means for easily dispensing water from the storage tank via an outgoing water line or a drain, an ozone generator for mixing ozone with water with a venturi mixer in a circulation line which removes water from the storage tank and returns it thereto. The system of Contreras includes a mounting stand, or base. The water drawn from the storage tank for circulation may be circulated through a line where ozonation takes place, or it may be recirculated back to the tank via a hose which does not include a venturi for ozonation.

Art Unit: 1724

5. Claims 3, 4 and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 11-21 are allowed.

7. Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 3 and 4 would be allowed if rewritten in independent form including all of the limitations of claim 1 because the prior art of record fails to teach, disclose, or fairly suggest a cleaning apparatus comprising either a spray bottle or a carafe containing a liquid, and a circulation flow path which communicates with the spray bottle or carafe and also communicates with a device for increasing the level of oxidative properties in the liquid, wherein at least some of the liquid is allowed to flow from the spray bottle or carafe to the device and back to the spray bottle or carafe. It is submitted that spray bottles, carafes, devices for increasing oxidative properties of a liquid, and recirculation flow paths, are all known in the prior art. However, the prior art of record does not suggest the combination of these elements wherein liquid flows *from* the spray bottle or carafe to the device and then *returns* to the spray bottle or carafe, as recited in the instant claims.

Art Unit: 1724

Claims 7 and 8 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the claims 1 and 6, because the prior art of record fails to teach, disclose, or fairly suggest a cleaning apparatus comprising a liquid reservoir, a device for increasing the level of oxidative properties of the liquid, a circulation flow path comprising a recirculation flow path and treatment flow path which diverts water from the recirculation flow path to the device, and a pretreatment region upstream of the device and downstream of where water is diverted from the recirculation flow path.

Claims 9 and 10 would be allowed if rewritten in independent form including all of the limitations of claims 1 and 6, because the prior art of record fails to teach, disclose, or fairly suggest a cleaning apparatus comprising a liquid reservoir, a device for increasing the level of oxidative properties of the liquid, a circulation flow path comprising a recirculation flow path and treatment flow path which diverts water from the recirculation flow path to the device, and a post-treatment region downstream of the device and upstream of where the recirculation flow path and treatment flow path reconverge.

Claims 11-21 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a residential cleaning apparatus comprising a base unit having an ozone generator, a reservoir for holding water fluidly attached to the base, a circulation flow path between the reservoir and base which at least in part fluidly connects the reservoir with the ozone generator, and wherein the apparatus allows for at least some of the water flowing in the circulation path between the reservoir and ozone generator

Art Unit: 1724

and back as the ozone generator dispenses ozone into the water. It is submitted that water reservoirs resting on bases equipped with ozone generators are known in the art. However, this arrangement in combination with a circulation flow path which allows for water to flow from the reservoir to the base *and back* to the reservoir is not suggested by the prior art of record.

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is (703) 305-3934. The examiner can normally be reached on Monday through Thursday from 8:30 AM to 6:00 PM, and on alternate Fridays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached at (703) 308-1972. The fax phone number for official after final faxes for this Group is 703-872-9311 for all other official faxes the number is 703-872-9310, and for unofficial faxes the number is (703) 305-7115. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Betsey M. Hoey
BETSEY MORRISON HOEY
PRIMARY EXAMINER

February 24, 2003